



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2008 JUL 28 PM 3:07

24 JUL 2008

Edm

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 232(LS), "AN ACT TO ADD A NEW §90.90 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO ESTABLISH PRISON INDUSTRIES; TO ADD A NEW §90.91 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, TO CREATE THE PRISON INDUSTRIES REVOLVING FUND; AND, TO CITE THIS ACT AS THE "PRISON INDUSTRIES ACT OF 2008"" which I signed into law on July 22, 2008 as Public Law 29-94.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

29-08-0530
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/25/08
Time
Received By

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

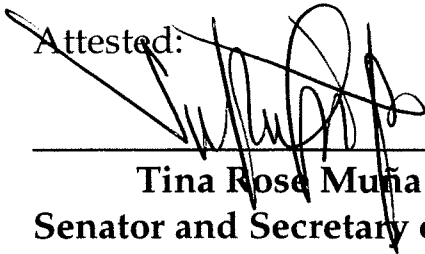
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA' LAHEN GUÅHAN

This is to certify that Bill No. 232(LS), "AN ACT TO ADD A NEW §90.90 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO ESTABLISH PRISON INDUSTRIES; TO ADD A NEW §90.91 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, TO CREATE THE PRISON INDUSTRIES REVOLVING FUND; AND, TO CITE THIS ACT AS THE 'PRISON INDUSTRIES ACT OF 2008'", was on the 9th day of July, 2008, duly and regularly passed.



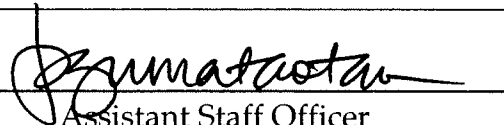
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 10 day of July, 2008, at
3:16 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 22 JULY '08

Public Law No. 29-94

I MINA 'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (Second) Regular Session

Bill No. 232 (LS)

As amended on the Floor.

Introduced by:

James V. Espaldon
Frank T. Ishizaki
A. B. Palacios, Sr.
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mark Forbes
Judith P. Guthertz, DPA
J. A. Lujan
Tina Rose Muña Barnes
v. c. pangelinan
R. J. Respicio
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §90.90 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO ESTABLISH PRISON INDUSTRIES; TO ~~*ADD* A NEW §90.91 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, TO CREATE THE PRISON INDUSTRIES REVOLVING FUND; AND, TO CITE THIS ACT AS THE “PRISON INDUSTRIES ACT OF 2008”.~~

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Statement of Intent.** *I Liheslaturan Guåhan*
3 recognizes the need for the Department of Corrections to establish prison
4 industries that provide opportunities for its inmates to learn a job skill and earn
5 wages that may be applied to a variety of outstanding debts owed by each inmate.

6 *I Liheslaturan Guåhan* also recognizes that the Department of Corrections

1 needs to be innovative in its approach to securing financial means for the meeting
2 of its mandates by authorizing the receipt of in-kind services and/or a credit for
3 services rendered to other government of Guam entities in lieu of cash payments.
4 This approach may result in an overall decrease in the operating expenses of the
5 government.

6 **Section 2.** A new §90.90 is *added* to Chapter 90, Article 4 of Title 9,
7 Guam Code Annotated, to read:

8 **“§90.90. (a) Prison Industries, established.** The Department of
9 Corrections is hereby authorized to establish such prison industries as may
10 be feasible to provide a means for inmates to receive job training and skills
11 development; to provide opportunities for the earning of wages to be used to
12 pay restitution to victims of crime, and payment of fines and court costs;
13 and, to provide additional means for funding certain recurring expenses of
14 the Department. The Department *shall* separate and designate each prison
15 industry to be established as occurring “within the secured perimeter” or
16 occurring “outside the secured perimeter”. This Act is *not* meant to replace
17 the activities authorized by Chapter 84 of Article 1, Title 9, Guam Code
18 ~~Annotated, but *shall* be viewed as authorizing additional activities. This~~
19 Chapter *shall not* supersede, *nor* affect any programs undertaken pursuant to
20 Chapter 81 of this Title.

21 **(b) Role of Corrections Advisory Council.** The Corrections
22 Advisory Council *shall* advise the Department on the suitability of any
23 industry to be established, and may assist the Department in other matters
24 relative to the establishment, operation, and maintenance of a chosen
25 industry.

26 **(c) Earnings Formula, established.** Each inmate participating in a
27 prison industry *shall* have all wages earned subject to this Earnings Formula:

1 (1) Twenty-five percent (25%) to the Criminal Injuries
2 Compensation Fund.

3 (2) Twenty-five percent (25%) to payment of court-ordered
4 fines, fees, and restitution. When such court-ordered fines, fees and
5 restitution have been satisfied, this percentage *shall* be applied to the
6 Inmate's Account.

7 (3) Twenty-five percent (25%) to the Prison Industries
8 Revolving Fund.

9 (4) Twenty-five percent (25%) to the Inmate's Account.
10 Each participating inmate may elect to provide up to one hundred
11 percent (100%) of the twenty-five percent (25%) for child and spousal
12 support.

13 (5) In the event that the participating inmate *does not* owe
14 any sum listed above, one hundred percent (100%) of earned wages
15 shall be placed in the Inmate's Account.

16 **(d) Eligibility to Participate.** The Department *shall* establish
17 criteria for determining an inmate's eligibility for participation in an
18 ~~established prison industry. All inmates shall be eligible for participation in~~
19 an established prison industry consistent with eligibility requirements for
20 other in-house prison rehabilitation programs unless otherwise ordered by a
21 Court.

22 **(e) In-kind Contributions and/or Credit for Services Allowed.**
23 The Department is authorized to enter into agreements with other
24 government of Guam entities to receive in-kind contributions and/or a credit
25 for services rendered in lieu of cash payments.

26 **(f) Authority to Bid Granted.** Notwithstanding the provisions of
27 §84.10(c) of Chapter 84, Article 1 of Title 9, Guam Code Annotated, the

1 Department may submit its bid for the provision of services to a non-
2 government entity, provided, that it includes as a component of its bid the
3 costs for housing, utilities, food, supplies and any other item that would
4 normally be considered as part of the overhead costs.”

5 **Section 3.** A new §90.91 is *added* to Chapter 90, Article 4, Title 9, Guam
6 Code Annotated, to read:

7 **“§90.91. Prison Industries Revolving Fund.** (a) There is hereby
8 created, within the Department of Corrections, a revolving fund called the
9 “Prison Industries Revolving Fund” (Fund), which *shall* be established by
10 the Department of Administration in accordance with the following
11 provisions:

12 (b) All funds collected from §90.90(c) *shall* be deposited into said
13 Fund.

14 (1) Funds in the Prison Industries Revolving Fund may be
15 used to purchase clothing for prisoners and detainees, foodstuffs for
16 the dining facility, galley catering services and equipment,
17 medical/dental supplies, prescription and over-the-counter medicines,
18 ~~sanitary/hygiene supplies and other pharmaceutical supplies for~~
19 prisoners and detainees, including, payment for prisoner-detainee
20 maintenance costs in any off-island prison *or* medical institutions,
21 payment for overtime and related personnel costs for personnel
22 specifically assigned to tasks involving Prison Industries.

23 (2) Expenditures from the Fund *shall* be approved by the
24 Director of Corrections and posted on the Department’s website.

25 (3) A complete and accurate accounting of all money
26 deposited into and withdrawn from such Fund *shall* be maintained by
27 the Director of Administration.

1 (4) Such accounting *shall* include and clearly identify the
2 sources and amounts of all funds paid into *or* withdrawn from said
3 Fund.

4 (c) The Prison Industries Revolving Fund *shall* be maintained
5 separate and apart from all other funds of the government of Guam.

6 (d) The Fund *shall* be subject to an annual audit, and its findings
7 *shall* be posted on the department's website.”